REMARKS

This response is intended as a full and complete response to the non-final Office Action mailed September 11, 2006. In the Office Action, the Examiner notes that claims 1-22 are pending and rejected. By this response, Applicants have amended independent claims 1 and 10.

In view of both the amendments presented above and the following discussion, Applicants submit that none of the claims now pending in the application are anticipated or obvious under the respective provisions of 35 U.S.C. §§102 and 103. Thus, Applicants believe that all of the claims are now in allowable form.

It is to be understood that Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the prior art of record to the pending claims by filing the instant response including amendments.

Amendments to the Claims

By this response, Applicants have amended claims 1 and 10. The amendments to the claims are fully supported by the Application as originally filed. For example, the amendments to claims 1 and 10 are supported at least by page 13, lines 7-21 of the Applicants' specification.

Thus, no new matter has been added and the Examiner is respectfully requested to enter the amendments.

35 U.S.C. §102 Rejection of Claims 1-7, 9-16, 18-20, and 22

The Examiner has rejected claims 1-7, 9-16, 18-20, and 22 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,600,573 to Hendricks (Hendricks). Applicants respectfully traverse the rejection.

Applicants' claim 1 recites:

1. A method for formatting and coding content for storage and delivery,

comprising:

providing at least two different formats for content storage;
receiving a coding and formatting request;
analyzing parameters contained in the coding and formatting request;
configuring a formatting codec in one of the at least two different formats for content storage using the analyzed parameters;
decoding, formatting, and coding target content using the configured formatting codec, whereby coded target output content is produced; and
routing the coded target output content to one or more target addresses. (Emphasis added).

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. Hendricks fails to disclose each and every element of the claimed invention, as arranged in claim 1.

Specifically, Hendricks fails to teach or suggest at least providing at least two different formats for content storage and configuring a formatting codec in one of the at least two different formats for content storage using the analyzed parameters, as recited in claim 1. The Applicants' invention teaches that the aggregator may be configured to store content in one or more specific formats that will balance the highest quality of programming content to be delivered to the users versus available storage space. (See Applicants' specification, p. 13, ll. 9-11). The decoder and content formatter reformats incoming content into the required formats and coding schemes for local storage in the aggregator. (See *Id.* at ll. 16-21).

Hendricks discloses an operations center with video storage for a television program packaging and delivery system. Hendricks does not teach or suggest providing at least two different formats for content storage or configuring a formatting codec in one of the at least two different formats for content storage using the analyzed parameters.

Thus, Hendricks does not teach or suggest each and every one of the limitations of Applicants' invention as recited in claim 1. As such, Applicants submit that independent claim 1 is not anticipated by Hendricks and is patentable under 35 U.S.C. §102. Independent claim 10 recites relevant limitations similar to those recited in independent claim 1. Accordingly, for at least the same reasons discussed above,

independent claim 10 also is not anticipated by Hendricks and is patentable under 35 U.S.C. §102. Furthermore, claims 2-7, 9, 11-16, 18-20, and 22 depend directly or indirectly from independent claims 1 and 10, while adding additional elements. Therefore, these dependent claims also are not anticipated by Hendricks and are patentable under 35 U.S.C. §102 for at least the same reasons discussed above in regards to independent claims 1 and 10.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

35 U.S.C. §103 Rejection of Claims 8, 17, and 21

The Examiner has rejected claims 8, 17, and 21 under 35 U.S.C. §103(a) as being unpatentable over Hendricks in view of Official Notice. Applicants respectfully traverse the rejection.

Under MPEP 2144.03, the board cannot rely on conclusory statements when dealing with particular combinations of prior art and specific claims, but must set forth the rationale on which it relies. In re Lee, 277 F.3d 1338, 1344-45, 61 USPQ2d 1430, 1434-35 (Fed. Cir. 2002). Moreover, there must be some form of evidence in the record to support an assertion of common knowledge. See *Id.* The Examiner's self proclaimed "notoriousness" of various technologies is clearly "conclusory" without supporting evidence and, therefore fails to properly establish Official Notice. In arguendo, even if Official Notice was properly established, the Applicants' respectfully submit that it may not be notoriously well known to combine the limitations of claims 8, 17 and 21 with the novel limitations of independent claims 1 and 10.

In addition, this ground of rejection applies only to dependent claims and is predicated on the validity of the rejection under 35 U.S.C. 102 given Hendricks. Since the rejection under 35 U.S.C. 102 given Hendricks has been overcome, as described hereinabove, this ground of rejection cannot be maintained. Accordingly, claims 8, 17, and 21 are non-obvious and patentable over Hendricks under 35 U.S.C. §103.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

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CONCLUSION

Thus, Applicants submit that none of the claims, presently in the application, are anticipated or obvious under the respective provisions of 35 U.S.C. §102 and 103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall or Jimmy Kim, at (732) 530-9404, so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: 12/11/06

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